

**Agency Retrospective Review Plan Reports
Fifth Report July 2013**

Agency/ Sub- agency	RIN	Title of Initiative/Rule /ICR	Brief Description	Actual or Target Completion Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits (please quantify, to the extent feasible, and also specify baseline, time horizon, and affected groups)	Progress updates and anticipated accomplishments
OSHA	1218- AC34	Bloodborne Pathogens	OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.	End Review October 2013	To be determined	Report to be completed 2013
OSHA	1218- AC77	Updating OSHA Standards Based on National Consensus Standards (Signage)	OSHA has an ongoing effort to update references to consensus standards published by standards-developing organizations (SDOs) throughout its rules. The goal of these rulemaking updates is to improve workplace safety and health by ensuring that consensus standards referenced in OSHA regulations reflect current industry practice and state-of-the-art technology. 29 CFR 1910.6 incorporates by reference the 1967 version of ANSI Z53.1, Safety Code for Marking Physical Hazards and the Identification of Certain Equipment, and the 1968 version of ANSI Z53.1, Specification for Accident Prevention Signs. Three OSHA standards (1910.97, Nonionizing radiation, 1910.145, Specifications for accident prevention signs and tags, 1910.261, Pulp, paper, and paper-board mills) refer to these consensus standards. Most employers continue to use signs meeting the consensus standards currently referenced in the OSHA standards. The older signs not only have a long life, the employers do not want to use "newer" versions and be subject to a "de minimus" citation. Preliminary review indicates that signs	TBD – Next step will be determined by comments received.	This rulemaking did not impose any economic costs, paperwork, and compliance burdens on employers. The rulemaking merely updated consensus standards referenced in OSHA regulations.	NPRM & Direct Final Rule jointly published June 13, 2013 (78 FR 35585, 78 FR 3559). Comment period closed on July 15, 2013. OSHA is reviewing the comments.

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			meeting the latest edition of the consensus standard would advance workplace safety over and above the currently required signs. Signs meeting the latest edition use the same color code and wording as ones meeting the older consensus standard, but also provide much more guidance as to the nature of the hazard, the consequences of the hazard, how to avoid the hazard, and the seriousness level of the hazard. Signs meeting the latest edition also are supported by human factors research on effective warning, and are supported by modern risk assessment methodologies for reducing risk. In addition, signs meeting the latest edition can use multiple language panels that could be a benefit to non-English speaking workers, and also meet the legal criteria for "adequate warnings" based on case law. OSHA proposes updating the reference to the version of the consensus standard, while grandfathering older signs that comply with the current OSHA requirements. Using the same strategy as in other consensus standard references updates, OSHA will publish a Direct Final Rule (DFR) con-currently with a Notice of Proposed Rulemaking (NPRM). If OSHA does not receive significant adverse comments on the DFR, it will confirm the effective date of the DFR and withdraw the NPRM. If OSHA does receive significant adverse comments, it will withdraw the DFR and proceed with the rule proposal process.			
OSHA	1218-AC80	Revising Record Requirements	OSHA is reviewing existing recordkeeping requirements regarding the maintenance of weekly records to determine whether such requirements should be reduced. OSHA's initial	NPRM & DFR July 2013	Approximately 610,000 hours.	Under development

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		in the Mechanical Power Press Standard	focus will be on requirements contained in the Mechanical Power Press standard.			

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OSHA	1218- AC67	Standard Improvement Project – Phase IV (SIP IV)	OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. The Agency has published three earlier final standards to remove unnecessary provisions, thus reducing costs or paperwork burden on affected employers. Standards Improvement Project Phase I was published in the Federal Register on June 18, 1998 (63 FR 33450); SIPs Phase 2 was published on January 5, 2005 (70 FR 1111); and SIPs Phase III was published June 8, 2011 (76 FR 33590). The Agency believes that these actions have reduced the compliance costs and eliminated or reduced the paperwork burden for a number of its standards. The Agency only considers making such changes to its standards so long as they do not diminish employee protections. The Agency has initiated a fourth rulemaking effort to identify unnecessary or duplicative provisions or paperwork requirements that are mainly focused on its construction standards in 29 CFR 1926. The Agency initiated rulemaking by publishing a Request For Information (RFI) in December 2012.	To be determined	Too early to estimate, scope of proposal is not yet known	RFI published December 6, 2012 (78 FR 72781) ACCSH Reviews: May, August 2013
OSHA	1218- AC75	Cranes and Derricks in Construction: Revision to Digger Derricks' Requirements	OSHA published its final Cranes and Derricks in Construction Standard in August 2010. Edison Electric Institute (EEI) filed a petition for review challenging several aspects of the standard, including the scope of the exemption for digger derricks. As part of the settlement agreement with EEI, the Agency agreed to publish a final rule expanding the scope of a partial exemption for work by digger derricks. The Agency in the direct final rule will revise the scope provision on digger derricks as an exemption for all work done by digger derricks covered by subpart V of 29 CFR 1926.	Final Rule published May 29, 2013	Providing a full exemption for digger derricks will reduce compliance costs by about \$21.6 million annually, with little change in benefits, based on analysis in FEA.	Completed

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OSHA	1218- AC61	Cranes and Derricks in Construction: Underground Construction and Demolition	This final rule extended coverage of the Agency's cranes and derricks in construction standard, subpart CC, to demolition and underground construction work. The final notice also corrected inadvertent errors in subpart S – Underground Construction, Caissons, Cofferdams and Compressed Air.	Final Rule published April 23, 2013	None in addition to original economic analysis of the final crane standard.	Completed
OSHA	1218- AC81	Cranes and Derricks in Construction: Amendments	On August 9, 2010, the Occupational Safety and Health Administration (OSHA) published a final rule for Cranes and Derricks in Construction (75 FR 47906). OSHA is proposing to amend the final rule to (1) correct typographical errors and inadvertent omissions; (2) clarify ambiguous provisions; and (3) modify certain of the rule's requirements to conform to OSHA's original intent.	NPRM Fall 2013	No additional costs.	Under development
OSHA	1218- AC74	Review/Look- back of OSHA Chemical Standards	The majority of OSHA's Permissible Exposure Limits (PELs) were adopted in 1971, under section 6(a) of the OSH Act and only a few have been successfully updated since that time. There is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA's PELs are outdated and need revising in order to take into account newer scientific data that indicates that significant occupational health risks exist at levels below OSHA's current PELs. In 1989, OSHA issued a final standard that lowered PELs for over 200 chemicals and added PELs for 164. However, the final rule was challenged and ultimately vacated by the 11th Circuit Court of Appeals in 1991 citing deficiencies in OSHA's analyses. Since that time OSHA has made attempts to examine its outdated PELs in light of the court's 1991 decision. Most recently, OSHA sought input through a stakeholder meeting and web forum to discuss various	RFI August 2013	Too early to estimate; scope of proposal is not yet known.	Under development

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			approaches that might be used to address its outdated PELs. As part of the Department's Regulatory Review and Lookback Efforts, OSHA is developing a Request for Information (RFI) seeking input from the public to help the Agency identify effective ways to address occupational exposure to chemicals.			
MSHA	1219- AB72	Criteria and Procedures for Proposed Assessment of Civil Penalties (Part 100)	MSHA will develop a proposed rule to revise the process for proposing civil penalties. The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. The Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.	July 2013	The proposed rule would revise the existing provisions by simplifying the process for proposing and assessing penalties, result in fewer areas of disagreement and facilitate earlier resolution of enforcement issues	The NPRM is currently undergoing OMB review.
OFCCP	1250- AA05	Sex Discrimination Guidelines	The Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, as amended, which prohibits Federal Government contractors and subcontractors from discriminating against individuals in employment on the basis of race, color, sex, religion or national origin, and requires them to take affirmative action. OFCCP regulations at 41 CFR part 60-20 set forth the interpretations and guidelines for implementing Executive Order 11246, as amended, in regard to promoting and ensuring equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors without regard to sex. This nondiscrimination requirement also applies to contractors and subcontractors performing under federally assisted construction contracts. The guidance in part 60-	NPRM October 2013	As this NPRM proposes updates to existing regulations, it is premature to project potential savings and benefits. However, because the guidelines are grossly out of date, it will remove confusion on the part of contractors and subcontractors about their legal obligations under current federal law and OFCCP guidance. o No new data collection and recordkeeping burdens should be created by this look back. An information	Under development.

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			20 is more than 30 years old and warrants a regulatory lookback. OFCCP will issue a Notice of Proposed Rulemaking to create sex discrimination regulations that reflect the current state of the law in this area.		collection burden analysis is being conducted.	
EBSA	1210-AB47	Amendment of Abandoned Plan Program	On April 21, 2006, the Department published a package of regulations, collectively entitled Termination of Abandoned Individual Account Plans, which facilitate the termination of, and distribution of benefits from, individual account pension plans that have been abandoned by their sponsoring employers. See 71 FR 20820. This rulemaking, among other things, will amend these regulations to cover plans whose sponsors are in liquidation under chapter 7 of the US Bankruptcy Code.	Final January 2014	EBSA expects that revising the existing regulation and related class exemption to cover plans whose sponsors are in liquidation under chapter 7 of the US Bankruptcy Code (“chapter 7 plans”) would provide substantial benefits to plans whose sponsors are in bankruptcy liquidation and to bankruptcy trustees while imposing minimal costs. One of the most significant cost savings is that chapter 7 plans no longer would incur costly audit fees that otherwise would diminish plan assets, because trustees would file a summary terminal report at the end of the winding up process in lieu of the Form 5500 Annual report. The primary beneficiaries of these amendments are participants and beneficiaries in chapter 7 plans whose plan assets would be preserved through the orderly and efficient termination of such plans. As stated in the NPRM, cost savings for plan participants and beneficiaries of approximately	NPRM published December 12, 2012

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					\$490,000 are expected over the first three years of the rule being in effect. In subsequent years, the savings resulting from eliminating ongoing administrative expenses that would have been incurred if abandoned plans were not terminated under the proposed regulations would further add to the cost savings.	
ETA	1205-AB59	Equal Employment Opportunity in Apprenticeship and Training; Amendment of Regulations	Revisions to the equal opportunity regulatory framework for the National Apprenticeship Act are a critical element in the Department's vision to promote and expand Registered Apprenticeship opportunities in the 21st century while continuing to safeguard the welfare and safety of apprentices. In October 2008, the Agency issued a Final Rule updating regulations for Apprenticeship Programs and Labor Standards for Registration. These regulations, codified at title 29 Code of Federal Regulations (CFR) part 29, had not been updated since 1977. The companion regulations, 29 CFR part 30, Equal Employment Opportunity (EEO) in Apprenticeship and Training, have not been amended since 1978. The Agency now proposes to update 29 CFR part 30 to ensure that the National Registered Apprenticeship System is consistent and in alignment with EEO law, as it has developed since 1978, and recent revisions to title 29 CFR part 29. This second phase of regulatory updates will ensure that Registered	To be determined	We anticipate that updating these regulations will reduce the burden on apprenticeship program sponsors by providing improved clarity throughout the revised rule, by aligning the Registered Apprenticeship System's EEO regulations with its companion regulations at part 29, and by streamlining and increasing the effectiveness of apprenticeship sponsor EEO requirements.	This NPRM is currently undergoing OMB review.

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			Apprenticeship is positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.			
ETA	1205-AB68	Job Training Partnership Act; Removal of JTPA	The Employment and Training Administration (ETA) of the Department of Labor (Department) is removing the regulations at 20 CFR Parts 626, 627, 628, 631, 632, 633, 634, 636, 637, and 638, which implemented the Job Training Partnership Act (JTPA or the Act). These regulations were designed to improve the employment status of disadvantaged young adults, dislocated workers, and individuals facing barriers to employment. In 1998, Congress passed the Workforce Investment Act (WIA), which required the Secretary of Labor to transition any authority under JTPA to the system created by WIA. Pub. L. 105-220, tit. V, § 506(a), 112 Stat. 1246-1247 (1998); 20 U.S.C. 9276(a). Therefore, the Department is taking this action to eliminate public reliance on regulations that governed a program that is no longer operative.	Direct Final Rule Published December 2012 Removal Effective April 1, 2013	The Department is taking this action to eliminate public reliance on regulations that governed a program that is no longer operative.	Completed
ETA	1205-AB65	Labor Certification Process for Logging Employment and Non-H-2A Agricultural Employment	In 2009, the Department suspended certain regulations pertaining to the H-2A program, including this Subpart C. The suspension was legally enjoined (North Carolina Growers' Association v. Solis, 1:09-cv-00411 (June 29, 2009)) thereby preventing implementation of the Suspension. The entire subject matter of Subpart C was subsumed into a later rulemaking (75 FR 6959, Feb. 12, 2010), but the injunction imposed on the suspension prevented the removal of Subpart C. This regulatory action is needed to remove Subpart C as obsolete and confusing to the public.	Direct Final October 2013	This regulatory action is needed to remove Subpart C as obsolete and confusing to the public.	Under development.
ETA	1205-AB66	Attestations by Employers	The Immigration Act of 1990, supplementing sections 101(a)(15)(F) and 214 of the Immigration and Nationality Act,	Direct Final Rule	The regulatory action will remove the regulations that have no legal authority	Under development.

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		Using F-1 Students in Off-Campus Work	created a 3 year work authorization program for certain students in F-1 nonimmigrant status. The Department published an Interim Final Rule to administer the program in 1991. 56 FR 56860 (Nov. 6, 1991). Public Law 103-416 (Oct. 25, 1994) revived the program through September 30, 1996, and the regulations were further amended (59 FR 64777, Dec. 15, 1994; 60 FR 34133, June 30, 1995; 60 FR 38959, July 31, 1995; 60 FR 49754, Sept. 30, 1995; 60 FR 61210, Nov. 29, 1995) but the program subsequently sunset and has not been extended since. The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.	October 2013	and are no longer in effect to avoid confusion in the affected public.	
ETA	1205- AB67	Attestations by Facilities Using Nonimmigrant Aliens as Registered Nurses	The Immigration Nursing Relief Act of 1999 provided for certain nonimmigrant status for H-1A nurses. Final regulations were published in 1994 (59 FR 897, Jan. 6, 1994, 59 FR 5484, Feb. 4, 1994). The Act was extended but sunset in 2007 and has not been extended since. The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.	Direct Final Rule October 2013	The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.	Under development.
ETA	1205	Federal-State Unemployment Compensation Program: Implementation of Total Unemployment Rate Extended Benefits Trigger and	The Employment and Training Administration (ETA) of the U.S. Department of Labor (Department) is issuing this notice of proposed rulemaking (NPRM) to amend and revise 20 CFR 615 to reflect amendments made by the Unemployment Compensation Amendments of 1992, (UC Amendments), Pub.L. 102-318, which added Section 203(f) to the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), Pub. L. No. 91373, 84 Stat. 708 (codified in note to 26 U.S.C. 3304). The UC Amendments included several provisions that affected EUCA.	NPRM February 2014	The NPRM updates regulations to conform to existing law and State practice. It will benefit State Unemployment Insurance systems because it will remove confusion between complying with guidance and current law.	Under development

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		Rounding Rule	<p>In this NPRM, the Department proposes to address only the Total Unemployment Rate (TUR) indicator and the high-unemployment period provisions from the UC Amendments. In addition, this proposed rule will also revise 20 CFR 615 to reflect the new rounding methodology the Department employs when calculating the alternative TUR indicator. The new rounding methodology was implemented through guidance to State Workforce Agencies (SWA) on May 2011. (See Unemployment Insurance Program Letter No. 16-11).</p> <p>Finally, the proposed rule will also revise this part to incorporate technical changes to make the regulatory language consistent with guidance issued and enactment of the UC Amendments .</p>			